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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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2008 MAR 31 P 3:42
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, INC., AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES BASED THEREON FOR UTILITY SERVICE BY ITS PARADISE VALLEY WATER DISTRICT.

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, INC., AN ARIZONA CORPORATION, FOR THE APPROVAL OF AN AGREEMENT WITH THE PARADISE VALLEY COUNTRY CLUB

DOCKET NO. W-01303A-05-0405

DOCKET NO. W-01303A-05-0910

THE TOWN OF PARADISE VALLEY'S SUBMISSION OF ITS DIRECT TESTIMONY

Arizona Corporation Commission

DOCKETED

MAR 31 2008

DOCKETED BY [Signature]

Pursuant to the Order dated March 14, 2008, the Town of Paradise Valley ("Town") hereby submits its direct testimony of Councilperson Mary Hamway on the Attached Exhibit A.

RESPECTFULLY SUBMITTED this 28th day of March, 2008.

SCHMITT, SCHNECK, SMYTH & HERROD, P.C.

[Signature]
Timothy J. Casey
Attorney for the Town of Paradise Valley

ORIGINAL and 13 copies filed this 28th day of March, 2008, with:

Docket Control
ARIZONA CORPORATION COMMISSION

1 1200 West Washington Street
Phoenix, Arizona 85004

2 COPIES of the foregoing mailed and emailed
3 this 4th day of March, 2008, to:

4 Teena Wolf
5 Chief Administrative Law Judge
6 Hearing Division
7 ARIZONA CORPORATION COMMISSION
8 1200 West Washington Street
9 Phoenix, Arizona 85004

10 Maureen Scott
11 Legal Division
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
14 Phoenix, Arizona 85004

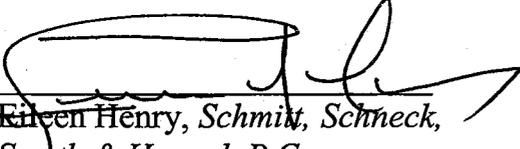
15 COPIES of the foregoing emailed and mailed
16 this 4th day of March, 2008, to:

17 Scott Wakefield, Chief Counsel
18 Daniel W. Pozefsky
19 Residential Utility Consumer Office
20 1110 West Washington Street, Suite 220
21 Phoenix, Arizona 85007

22 Paul M. Li
23 Arizona-American Water Company
24 19820 North 7th Street, Suite 201
25 Phoenix, Arizona 85024

26 Criag A. Marks
27 CRAIG A. MARKS, PLC
28 3420 East Shea Boulevard, Suite 200
29 Phoenix, Arizona 85024
30 Attorney for Arizona-American Water Company

31 Robert J. Metli, Esq.
32 Jeff Crockett, Esq.
33 SNELL & WILMER, LLP
34 One Arizona Center
35 400 East Van Buren
36 Phoenix, Arizona 85004
37 Outside Counsel for the Resorts

38 
39 Steven Henry, Schmitt, Schneck,
40 Smyth & Herrod, P.C.

1 **DIRECT TESTIMONY OF THE HONORABLE MARY HAMWAY**

2

3 Q. **PLEASE INTRODUCE YOUR SELF AND EXPLAIN WHAT YOUR ROLE**
4 **OR CONNECTION IS TO THE TOWN OF PARADISE VALLEY (“THE**
5 **TOWN”)?**

6 A. My name is Mary Hamway. I am an elected member of the Town’s Council. I
7 also have been a member of the Town’s Water Committee from 2004 to present
8 and currently serve as its Chair and have done so since 2006.

9 I have a particular interest in water issues, including water conservation, and I am
10 personally knowledgeable about the water related issues of the Town and its
11 residents, including both individuals and commercial properties.

12 Q. **WHY DID THE TOWN MOVE TO INTERVENE IN 2006, AND THEN**
13 **WITHDRAW ITS MOTION?**

14 A. The Town withdrew its Motion to Intervene because the Town Council did not
15 have a full understanding of the value of serving as an Intervenor. The Town did
16 support Arizona-American’s fire flow-related rate increase as reflected by its
17 authorizing the Town Attorney to file an *Amicus* Brief with the Commission, but
18 believed at the time that it could not add much further insight or assistance to the
19 substantive positions of Arizona-American. The Town also recognized that it had
20 no regulatory authority in the matter. In hindsight, however, the Town should not
21 have withdrawn its Motion to Intervene. Soon after receipt of the Commission’s
22 July 28, 2006, Decision No. 68858, the Town realized there were significant
23 unintended consequences for the resorts located in Paradise Valley and
24 unexpected impacts to the residents as a result of the “High Block” surcharge and
25 the “Public Safety” surcharge (the “Surcharge(s)”). The Town submits that these
26 resort and resident reactions to the Surcharges now warrant and justify input from
27 the Town in an effort to obtain modest interim relief for Town residents and
28 resorts.

1 In addition, the Town has learned over the past eighteen months some of the
2 factors that are taken into consideration when rate designs are prepared and can
3 now better appreciate and respect the complexities of the decisions the
4 Commission must make. The Town also now better understands its proper role in
5 rate cases, and further understands that its residents and resorts expect the Town to
6 be active participants in future rate cases.

7 **Q. WHAT ROLE DID THE TOWN PLAY IN THE RATE DESIGN**
8 **PROPOSAL SUBMITTED BY THE TOWN MANAGER ON JANUARY 15,**
9 **2008 (THE "PROPOSAL")?**

10 **A.** Shortly after the first Surcharge was implemented, Town officials received
11 comments from frustrated and angry residents who were shocked by the impact of
12 the first Surcharge and wanted to know what actions could be taken by the Town
13 in response to their water bill increases. Similarly, the resorts in the Paradise
14 Valley Service Area had concerns that the new rate structure in Decision No.
15 68858 did not take into account the significant economic impact on their
16 commercial properties. Hearing these concerns repeated over many months, the
17 Town brought the resorts and the residents together and served mainly as a
18 facilitator between the parties in helping develop a consensus plan, and eventually,
19 the Proposal.

20 **Q. WHAT IS THE TOWN PROPOSING AS ITS MODEST INTERIM**
21 **RELIEF?**

22 **A.** The Proposal rectifies in part: 1) the unintended consequences of placing the
23 resorts within the Town at a competitive disadvantage when compared to resorts
24 that are not within the Arizona American Paradise Valley Service Area; and 2) the
25 significant and unexpected rate increases incurred Town residential users. The
26 Proposal still retains significant surcharge amounts on the residential and
27 commercial customers within the Town (thus encouraging conservation by those
28 who desire to see their monthly bills lower), but spreads out the repayment
schedule. One advantage of the rate methodology in the Proposal is that spreading

1 out part of the repayment schedule provides a mechanism for ensuring that future
2 beneficiaries of the fire flow improvements, both residential and commercial, will
3 also pay for the improvements that provide an incentive for these beneficiaries to
4 design and implement low water use systems.

5 **Q. WHY DOES THE TOWN BELIEVE THAT A RATE RESTRUCTURING**
6 **FOR RESORTS IS NECESSARY?**

7 **A.** A review of the water charges incurred by Paradise Valley resorts under Decision
8 No. 68858 compared to the water charges of Phoenix and Scottsdale resorts
9 allowed Town officials to conclude that resorts within the Paradise Valley Water
10 District are paying significantly more for their water than their nearby
11 competitors. Therefore, the Paradise Valley resorts must increase their room rates
12 significantly to pay for their significantly increased water bills, which places them
13 at a significant competitive financial disadvantage. Competitive disadvantages to
14 resorts within the Town have a direct and substantial impact on the Town.

15 The operational success of the resorts within the Town is an essential element of
16 the Town's economic viability and sustainability. The Town relies heavily on the
17 bed and sales taxes paid by its resorts. These taxes provide approximately 40
18 percent of the Town's total revenues. Without such revenues from the resorts
19 continuing, the Town will face revenue shortfalls and economic difficulties, which
20 would then force the Town to reduce its services to its residents or to create new
21 revenue sources. As a consequence, economic and competitive disadvantages
22 experienced by the resorts within the Town have a direct economic impact not
23 only on the Town's resorts, but also on the Town and its residents. Additionally,
24 while the Town believes rate restructuring is necessary for the vitality of its
25 resorts, the Proposal does balance rate increases equally and equitably between the
26 Town's resorts and the Town's residents.

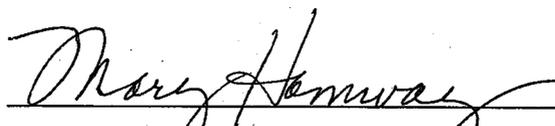
1 Q. IS THE TOWN AWARE THAT ITS JANUARY 15, 2008 CONSENSUS
2 PROPOSAL PROVIDES FOR A SLIGHT REDUCTION IN THE RATES
3 PAID BY THE "HIGH BLOCK" RESIDENTIAL CUSTOMERS?

4 A. Yes. The relief provided under the Proposal is fair under the circumstances
5 because the "high block" non-commercial residents in Paradise Valley perceive,
6 rightly or wrongly, that the "high block" rate increase was implemented without
7 sufficient notice and inequitably requires only the "high block" users (consisting
8 of only 20% of the Paradise Valley customer base) to pay for the bulk of the fire-
9 flow improvements, while all the Paradise Valley Service Area customers benefit
10 from the fire flow improvements.

11 Q. WHAT ROLE DO YOU SEE THE TOWN PLAYING IN REGARDS TO
12 THE WATER CONSUMPTION ISSUE?

13 A. For meaningful water conservation to occur, the Town submits that education and
14 incentives are necessary to promote personal responsibility in water consumption.
15 Interim relief in the form of the Proposal will allow the Town further time to
16 review, discuss, and implement meaningful water conservation measures intended
17 to strongly encourage "high block" residential customers to conserve water.
18 These potential measures can include such items as providing various incentive
19 measures for increased water conservation, decreased water consumption, and/or
20 the introduction of rebates for the removal of turf lawns and the installation of
21 native Sonoran vegetation similar to the rebate program offered by the City of
22 Scottsdale.

23 *I DECLARE UNDER PENALTY OF PERJURY, PURSUANT TO RULE 80(i),*
24 *ARIZONA RULES OF CIVIL PROCEDURE, THAT THE FOREGOING IS TRUE*
25 *AND CORRECT TO THE BEST OF MY KNOWLEDGE. EXECUTED ON*
26 *MARCH 28, 2008*

27 
28 MARY HAMWAY